

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YESENIA RIVERA GABRIEL,

Petitioner,

v.

ANTHONY JAMES LAVISON,

Respondent.

CASE NO. 2:22-cv-00006-TL

ORDER GRANTING LEAVE FOR
EXPEDITED REVIEW OF MOTION AND
GRANTING MOTION FOR IN-PERSON
EVIDENTIARY HEARING

This matter is before the Court on Petitioner's motion requesting that the evidentiary hearing scheduled for March 29, 2021, be held in person rather than virtually by Zoom as originally ordered. Dkt. No. 39. Petitioner also moves for expedited review of the motion, due to the expedited nature of the proceedings in this case and the limited time remaining before the scheduled hearing date. Dkt. No. 38.

At the time the Court scheduled the evidentiary hearing to be conducted by Zoom (Dkt. Nos. 29, 35), this Court was operating under General Order No. 03-22, which extended restrictions on in-person proceedings in the Western District of Washington because of continuing concerns regarding the ongoing COVID-19 public health emergency. Subsequently,

1 on March 3, General Order 04-22 was entered lifting most of the restrictions as of March 11,
2 2022. Although the order noted that previously scheduled Zoom proceeding were not affected, it
3 also clarified that “courtroom use for civil or criminal matters may proceed at the discretion of
4 the presiding judge.” GO 04-22 at 2.

5 Upon reviewing General Order 04-22 and discussing it with her client, Petitioner’s
6 counsel, Andrekita Silva, reached out to the Court on March 11, 2022, to inquire about amending
7 the scheduled hearing, pursuant to General Order 04-22, to take place in-person. In her request,
8 Ms. Silva indicated that her client would be able to attend an in-person hearing, but her
9 remaining witnesses would still need to attend remotely, either through Zoom or by telephone.
10 The same day, the Court directed Ms. Silva to file her request as a formal motion. Ms. Silva
11 reached out to Respondent that evening and multiple other times over the next several days, by
12 both phone and email, in an attempt to meet and confer regarding her request in the hope of
13 filing a stipulated motion. Dkt. No. 40 at ¶¶ 7-15. Respondent did not respond to any of
14 Ms. Silva’s attempted communications. *Id.*

15 Finding good cause shown and considering Respondent’s refusal to meaningfully confer
16 with opposing counsel and the upcoming hearing date, the Court GRANTS Petitioner’s motions
17 and hereby ORDERS that:

- 18 1. The evidentiary hearing scheduled for March 29, 2022, will be conducted in person at
19 the U.S. District Court, located at 700 Stewart Street in Seattle, Washington. The
20 Parties, their counsel (if any), and all available witnesses that reside in this
21 jurisdiction shall appear in Courtroom 14B, on the 14th floor of the courthouse, **by no**
22 **later than 9:00 a.m. PT on March 29, 2022.**
- 23 2. Any previously identified witnesses who are unable to attend the hearing in person
24 shall be allowed to participate via Zoom.

- 1 a. The Court understands Petitioner intends to call three witnesses who will be
2 unable to attend in person as they reside in Mexico. The Court GRANTS
3 Petitioner's request for leave for these witnesses to participate in the hearing
4 via Zoom.
- 5 b. The Court understands that Respondent also intends to call three witness, not
6 counting himself. Respondent is ORDERED to inform Kadya Peter, Courtroom
7 Deputy, at Kadya.Peter@wawd.uscourts.gov, and opposing counsel **by no**
8 **later than 5 p.m. PT on Tuesday, March 22** if any of his witness are unable
9 to attend the hearing in person and the reasons therefor.

10 The Courtroom Deputy will provide the parties with additional logistical information,
11 including Zoom access information, in advance of the hearing. The Parties are solely responsible
12 for ensuring their witnesses can fully participate in the hearing. Any potential technical or
13 logistical issues must be reported to the Courtroom Deputy no later than 24 hours before the
14 hearing is scheduled to begin. Participants are prohibited from sharing the Zoom information
15 with any non-participant.

16 IT IS SO ORDERED.

17 Dated this 17th day of March 2022.

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19 _____
20 Tana Lin
21 United States District Judge
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